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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

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8 UNITED STATES OF AMERICA,)
9 Plaintiff,) Case no. 3:06-CR-00144-LRH-(WGC)-1
10 vs.) ORDER
11 NICOLAS FRANCO-FLORES,)
12 Defendant.)
13 _____)

14 Rene L. Valladares, Federal Public Defender, and Nisha Brooks-Whittington, Assistant
15 Federal Public Defender, have filed a motion to withdraw (#65) as defendant's counsel of record.
16 The court received and reviewed the reduction of sentence report on defendant prepared by
17 Probation. The report concludes defendant is ineligible for a sentence reduction pursuant to 18
18 U.S.C. § 3582(c)(2), Amendment 782, and pursuant to U.S.S.G. § 1B1.10, effective November 1,
19 2014, as he was sentenced to the statutory minimum sentence and in accord with 21 U.S.C. §
20 851(a)(1).

21 The court appointed defendant counsel to determine whether he qualifies for a reduction
22 of sentence. Based upon Probation's report, counsel does not intend to file a motion for a
23 reduction. The court will therefore grant the motion to withdraw.

24 Before being granted counsel, defendant filed a motion (#62) seeking Discretionary
25 Relief pursuant to 18 U.S.C. § 3582(c)(2). The court does not find a response from the United
26 States Attorney's office is necessary for a ruling on defendant's motion. The defendant was
27 sentenced to the statutory minimum sentence available and is therefore not entitled to a
28 reduction.


1 Accordingly,

2 IT IS HEREBY ORDERED that defendant's motion to withdraw (#65) is **GRANTED**.

3 IT IS FURTHER ORDERED that defendant's motion seeking Discretionary Relief
4 pursuant to 18 U.S.C. § 3582(c)(2) (#62) is **DENIED**.

5 IT IS SO ORDERED.

6 DATED this 12th day of June, 2015.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE